

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re ERNEST LEE, C-57246,
Plaintiff.

)
)
) No. C 13-2485 CRB (PR)
)
) ORDER OF DISMISSAL
)
) (Docket #5)
)

On June 3, 2013, the clerk filed as a new action a letter by plaintiff alleging inadequate medical care at California State Prison, Corcoran. On that same date, the court notified plaintiff in writing that the action was deficient because he did not file an actual complaint or pay the requisite filing fee or, instead, submit a signed and completed court-approved in forma pauperis application. Plaintiff was advised that failure to file the requested items within 30 days would result in dismissal of the action.

Plaintiff has filed a request/motion seeking dismissal of the action on the ground that he did not intend to file a federal civil rights case, but rather a state habeas case. Docket #5 at 1. Good cause appearing, plaintiff's request/motion (docket #5) is GRANTED and the action is DISMISSED without prejudice.

The clerk shall close this matter as improvidently opened. No filing fee is due.

SO ORDERED.

DATED: July 19, 2013



CHARLES R. BREYER
United States District Judge